

2012 AUG 24 A 9:59

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
BUREAU OF INSURANCE

AT RICHMOND, August 23, 2012  
ADMINISTRATIVE ORDER NO. 11936

**ORDER SUSPENDING THE REQUIREMENT OF FILING FORMS, RATES, AND  
SUPPLEMENTARY RATE INFORMATION FOR CERTAIN COMMERCIAL  
INSURANCE POLICIES UNDER §§ 38.2-317 AND 38.2-1906 OF THE CODE OF  
VIRGINIA AND WITHDRAWAL OF ADMINISTRATIVE ORDER NO. 8124.**

WHEREAS, pursuant to the provisions of § 38.2-317 of the Code of Virginia, the Commissioner of Insurance previously exempted, by Administrative Order No. 8124 dated July 15, 1983, certain forms and endorsements from the filing requirements set forth in § 38.2-317 of the Code of Virginia because such forms and endorsements when used on an individual risk basis (commonly referred to as "manuscript forms" or "manuscript endorsements") cannot practicably be filed prior to use; and

WHEREAS, the Commissioner of Insurance finds that, with the exception of workers' compensation insurance policies, certain manuscript forms and endorsements for all commercial property and casualty insurance policies, (i) which are written on a particular risk, (ii) which broaden coverage or policy provisions contained in the basic contract to which the forms and endorsements are to be attached, and (iii) which are used infrequently, cannot practicably be filed prior to use and should be exempted from the filing requirements of § 38.2-317 of the Code of Virginia; and

WHEREAS, pursuant to the provisions of § 38.2-1903, the Commissioner of Insurance finds that the filing of certain rates, prospective loss costs, and supplementary rate information that are used in conjunction with a manuscript form or endorsement that generates an additional premium for a particular risk should be exempted by this Order because the rates cannot practicably be filed before they are used.

IT IS, THEREFORE, ORDERED that:

- (1) Administrative Order No. 8124 is hereby withdrawn.
- (2) Manuscript forms and endorsements for all commercial property and casualty insurance policies, with the exception of workers' compensation insurance policies, shall be exempt from the filing requirements of § 38.2-317, provided (i) they are written on a particular risk, (ii) they broaden coverage or policy provisions contained in the basic contract to which the forms and endorsements are to be attached, and (iii) they are used no more than four times in a 12-month period. In determining the number of times the manuscript form or endorsement has been used:
  - a. Insurers are permitted to use the same conditions in the manuscript endorsement for one particular risk that has multiple commercial insurance policies and are only required to count the manuscript form or endorsement as having been used one time; and
  - b. Insurers are permitted to use the same conditions in the manuscript form or endorsement on the insured's subsequent renewals and are not required to count the manuscript form or endorsement when used in subsequent renewals.
- (3) The rates and the supplementary rate information applicable to any manuscript form or endorsement that is exempt by this Order are also exempt from the filing requirements of § 38.2-1906. Once the manuscript endorsement is filed, the rates and supplementary rate information must also be filed.

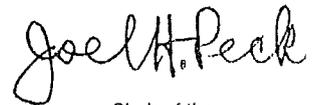
(4) The manuscript forms and endorsements affected by this Order and hereinafter used by insurers shall not be misleading or against public policy, and shall comply with all applicable provisions of Title 38.2, other than as exempted by this Order.

(5) Additionally, the insurer or agent must provide a notice at the time the manuscript form or endorsement is issued or delivered advising the insured that the form or endorsement, and rates, if applicable, are not filed with the Virginia Bureau of Insurance.

(6) Insurers are required to retain for three years copies of every manuscript form and endorsement issued in accordance with this Order, a copy of the required notice, and any other supporting documentation including the applicable premium for the Bureau's review.

AN ATTESTED COPY HEREOF shall be sent to Mary M. Bannister, Deputy Commissioner of Insurance, and to all insurance companies and rate service organizations that are affected thereby.

A True Copy  
Teste:



Clerk of the  
State Corporation Commission